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## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6443	DATE	12-14-07
CASE TITLE	U. S. ex rel. Tony Thomas (B-35507) v. Terry McCann		

## DOCKET ENTRY TEXT:

Petitioner Tony Thomas has submitted a petition for habeas corpus relief. However, his motion to proceed in forma pauperis [3] is incomplete, as it contains neither a certificate from an authorized officer, nor a copy of petitioner's trust fund account. The Court denies the in forma pauperis motion [3] without prejudice to petitioner either submitting another in forma pauperis application or paying the \$5 filing fee. Petitioner is given 30 days from the date of this order either to pay the \$5 filing fee or to submit a completed in forma pauperis application. Plaintiff's failure to comply with this order within 30 days will result in dismissal of this case without prejudice. The Clerk is directed to send to petitioner an in forma pauperis application form, along with a copy of this order.

■ [ For further details see text below.]



## STATEMENT

Petitioner Tony Thomas (B-35507), currently incarcerated at Stateville Correctional Center, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He seeks to challenge his 2002 conviction for first degree murder. He has also filed motions requesting the appointment of counsel and seeking to stay the instant habeas proceeding pending the state courts' resolution of his successive state post-conviction petition. However, before the Court can address these motions, the Court must resolve the filing fee.

The clerk has accepted this pro se habeas corpus petition for docketing pursuant to Fed. R. Civ. P. 5(e), without payment of the \$5 filing fee or a completed application to proceed in forma pauperis, as required under 28 U.S.C. § 1914(a). Rule 11(b) of the General Rules of this Court requires that persons seeking leave to file in forma pauperis file their motions on a prescribed form. The form requires inmates to obtain a certificate stating the amount of money they have on deposit in their prison or jail trust fund account and to submit a copy of their trust fund account statement. If petitioner wants to proceed with his habeas petition currently before this Court, he must either prepay the \$5 filing fee or submit a completed application to proceed in forma pauperis, on the enclosed form.

Failure to comply with this order within 30 days of the date of the order will result in dismissal of this petition without prejudice. *See Brekke v. Morrow*, 840 F.2d 4, 5 (7th Cir. 1988).

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